

Index File

Application No. UP-689-05

Wanda W. Walls

Application No. UP-689-05 is a request for a Special Use Permit to authorize a private kennel on a 1.52-acre parcel of land located at 114 Harrod Lane.

The staff is recommending approval.

Attachments:

1. Staff report
2. Zoning map
3. Applicant letter
4. Sketch plan
5. House and outside kennel area sketch
6. Proposed Resolution No. PC05-49

COUNTY OF YORK

MEMORANDUM

DATE: November 30, 2005 (PC Mtg. 12/14/05)

TO: York County Planning Commission

FROM: Earl W. Anderson, Planner

SUBJECT: Application No. UP-689-05, Wanda W. Walls

ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on a 1.52-acre parcel of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58.

DESCRIPTION

- Property Owner: Wanda W. Walls
- Location: 114 Harrod Lane (Route 678)
- Area: 1.52 acres
- Frontage: 208 feet along Harrod Lane
- Utilities: Public water and private septic system
- Topography: Flat
- 2015 Land Use Map Designation: General Business and small portion to the northeast designated Medium-Density Residential
- Zoning Classification: R20 - Medium density single-family residential
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Single-family detached home
 - East: York County Public Library (Yorktown branch)
 - South: ServiceMaster carpet cleaners
 - West: Terrace grocery/ gas station
- Proposed Development: Private kennel for fifteen (15) dogs

CONSIDERATIONS/CONCLUSIONS

1. The applicant wishes to operate a private kennel for fifteen (15) dogs that she owns, breeds, and shows. The applicant has stated that she has two dog breeds: Shetland sheepdogs (shelties) and Australian shepherds. According to online research, shelties can weigh 12 to 18 pounds, while shepherds can weigh 40 to 65 pounds. However, the applicant has stated that her shepherds have a maximum weight of 50 pounds and her

shelties weigh 20 pounds at most. The property is surrounded on three sides by the General Business zoning district (to the east, west, and south), while to the north is the only abutting residential lot, zoned R20 (Medium density single-family residential) and located approximately 160 feet from the proposed outside kennel area on the opposite side of the existing house.

2. The 2015 Land Use Map depicts a General Business strip of relatively uniform width along most of Route 17; as a result, most of the subject property is designated General Business in the Comprehensive Plan. The intent of the plan, however, was not to recommend commercial development on lots occupied by houses in established residential areas, such as this one, that do not front on Route 17. For this reason, the draft 2025 Land Use Map that has been developed as part of the update of the Comprehensive Plan (which is currently being reviewed by the Board of Supervisors with adoption expected on December 6, 2005) changes these residential parcels to a residential designation (in this case, Medium Density Residential).
3. Section 24.1-306 (Category 2, Number 6) of the Zoning Ordinance requires a Special Use Permit for a private kennel, which is defined as “Any land or structure used for the keeping, breeding, or care of five (5) or more canines, felines, or hybrids of either, which are over six months of age and which belong to the owner of the premises and which are kept for the purpose of showing, hunting, or as household pets.” The applicant currently owns, breeds, and cares for fifteen (15) dogs on her property and has requested a Special Use Permit to allow her to continue this activity.
4. The applicant has lived at 114 Harrod Lane since 1994 and became aware of the private kennel requirements when a complaint was filed with the County’s Animal Control and Zoning and Code Enforcement Divisions in early October 2005. The complaint was not made by a neighbor, but by another breeder who called into question the ownership of three dogs under Ms. Walls possession. The York County Treasurer’s Office issues dog licenses on a yearly basis and has records dating back to 2000. The table shows the licenses issued to 114 Harrod Lane. Licenses for four dogs were issued each year from 2000 through 2002 to the applicant and three in 2003. Starting in 2004, the applicant still had three licenses, while her daughter, who also lives at the address, received one license. In 2005 the applicant and her daughter were issued a total of thirteen (13) dog licenses at the 114 Harrod Lane address.

| Dog Licenses Issued to 114 Harrod Lane | | | |
|---|---------------------------|-----------------------|--------------|
| Year | Number of Licenses | | |
| | <i>Wanda Walls</i> | <i>Adrienne Isham</i> | Total |
| 2005 | 9 | 4 | 13 |
| 2004 | 3 | 1 | 4 |
| 2003 | 3 | 0 | 3 |
| 2002 | 4 | 0 | 4 |
| 2001 | 4 | 0 | 4 |
| 2000 | 4 | 0 | 4 |

5. Section 24.1-417 of the Zoning Ordinance under sets out performance standards for private kennels. These standards ensure that animals are kept in pens and that runs are set back fifty feet (50') from any residential lot lines. In addition, such runs or pens are to be screened and buffered to reduce the visual and aural impact on any adjacent

properties. The sketch plan submitted by the applicant shows that a 28-foot by 24-foot (675 square feet) kennel area for the dogs will be located in the side yard next to the Yorktown Library entrance road and will be approximately twenty-eight feet (28') from the property line. A six-foot (6') wooden privacy fence currently shields views from Harrod Lane. Additionally, the applicant stated in her letter that the existing 42" fence facing the Yorktown Library entrance would be replaced with a six-foot (6') wooden privacy fence. Staff has recommended a condition that the kennel be completely screened on all three sides by a six-foot (6') wooden privacy fence. In her application, Ms. Walls did not state when the dogs would be allowed in the outside kennel area; however, staff has recommended a condition to limit outdoor activity between the hours of 7:00 AM and 9:00 PM.

6. The property is not within a subdivision and is not subject to any homeowners' covenants, nor does it fall under the jurisdiction of an established homeowners' association.

RECOMMENDATION

The applicant's property is not located within a traditional single-family neighborhood; rather, it is surrounded by commercially zoned property on three sides and the nearest house is over 260 feet from the proposed outside kennel area. The applicant stated in her letter that she will take measures to reduce barking and odor problems and staff has recommended conditions to promote a safe and undistruptive environment for the neighborhood and the dogs. The Zoning Ordinance recognizes that medium density single-family developments may be an inappropriate place to care for numerous animals and therefore requires a Special Use Permit, which allows each proposal to be considered on the basis of its particular site characteristics. Private kennels are allowed as a matter of right in the Rural Residential zoning districts where the minimum lot size is one (1) acre. The applicant's 1.52 acre lot exceeds this larger lot requirement, even though it is in an R20 district and is in fact over three times the 20,000 square foot minimum lot size required in the R20 district. Additionally, the proposed location of the outdoor run and the relative absence of residential neighbors helps to ensure compatibility with the surrounding area.

For these reasons, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC05-49.

EWA

Attachments

- Zoning map
- Applicant letter
- Sketch plan
- House and outside kennel area sketch
- Proposed Resolution No. PC05-49

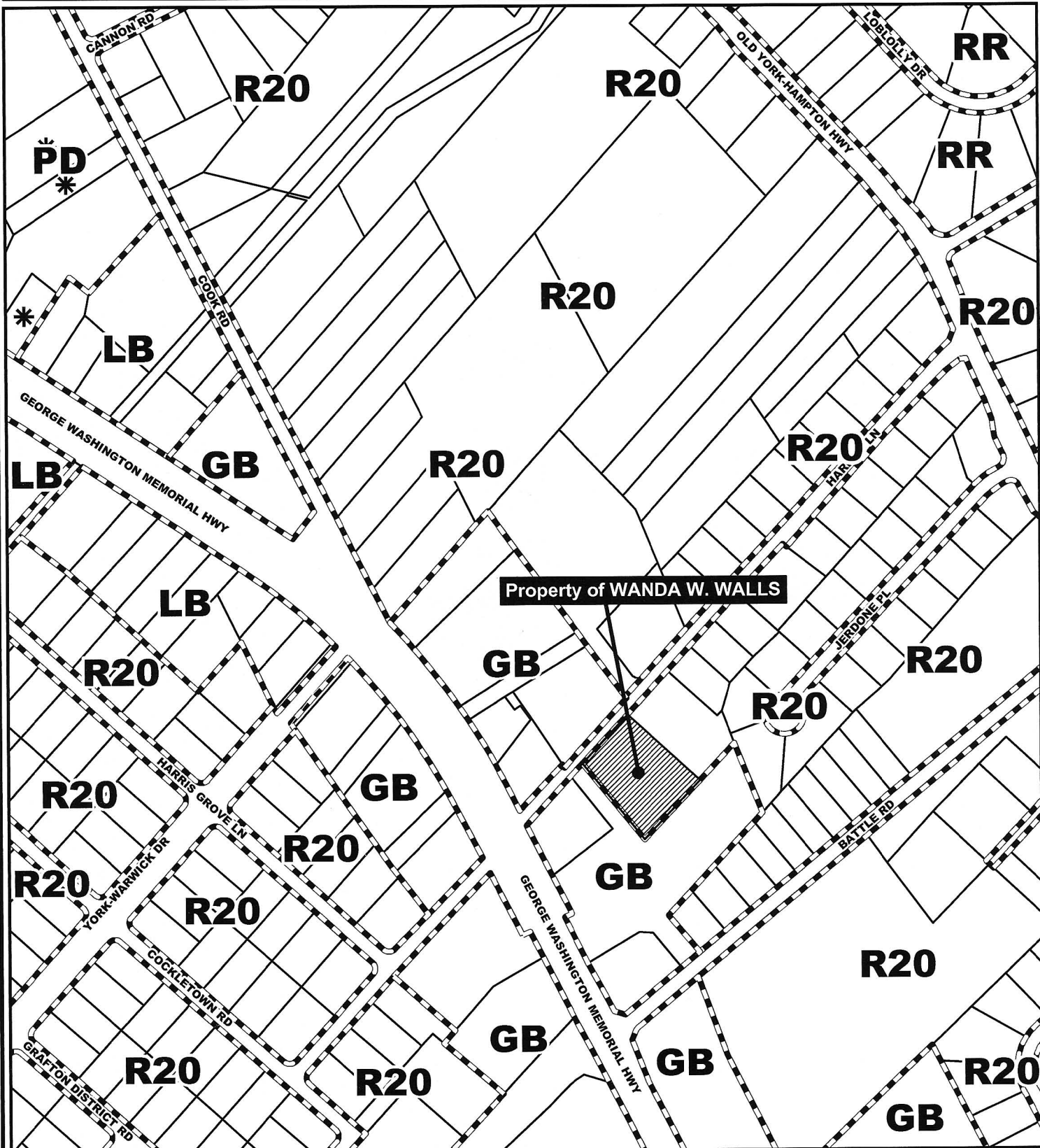
APPLICANT

Wanda W. Walls

To authorize a private Kennel on 1.52 acres of land
114 HARROD LN

ZONING MAP

APPLICATION NUMBER: UP-689-05



* = Conditional Zoning

0 200 400 800
Feet

Printed on October 31, 2005



LIBRARY TILE NUMBER:

Lr010

SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.

October 16, 2005

Re: Request for Special Use Permit

York County Planning Division
P. O. Box 532
120 Alexander Hamilton Blvd.
Yorktown, Va. 23690-0532

Planning Division of York County,

I, Wanda W. Walls, land owner of 114 Harrod Lane, am requesting a Special Use Permit for a Private Kennel that will house 15 AKC registered dogs. All dogs are for private purposes such as showing and breeding according to the American Kennel Club Standards for the breed.

Dogs are housed in an enclosed glass porch attached to my home. They are crated indoors with the exception of time outside in the exercise area. The exercise area is attached to the west side of the house where the property adjoins Rt. 638. The area is 24' W x 28' rear length x 20' front length and located approximately 150' from any residential lines. Currently the area is fenced with 42" high privacy fencing with work in process to replace with a 6' privacy fence as requested by the Planning Division of York County.

The area is partial patio blocks and the remaining area is graveled for sanitation safety. It is also bleached/disinfected a minimum of twice per week and more frequently in summer months due to heat and humidity. All excrement is picked up, bagged and disposed of daily.

The dogs are only permitted outside during the time that someone is here to supervise and control barking. On occasion, I use ultrasonic and beeping bark control to alleviate noisy, continuous or excessive barking.

Enclosed are 5 letters of approval from surrounding neighbors that were contacted and had no objections to a Kennel at my residence.

Please review my request and if you have any questions, feel free to call as needed.

Respectfully,



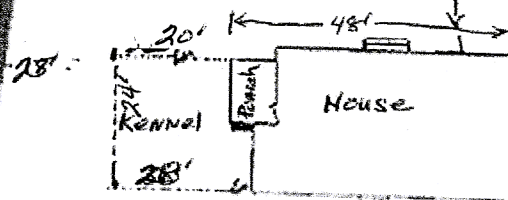
Wanda W. Walls
114 Harrod Lane
Yorktown, Va. 23692
757-890-9227

RECEIVED

OCT 17 2005

PLANNING DIVISION
COUNTY OF YORK

200' 114



Driveway

Q09D-3368-1325

Shed

58

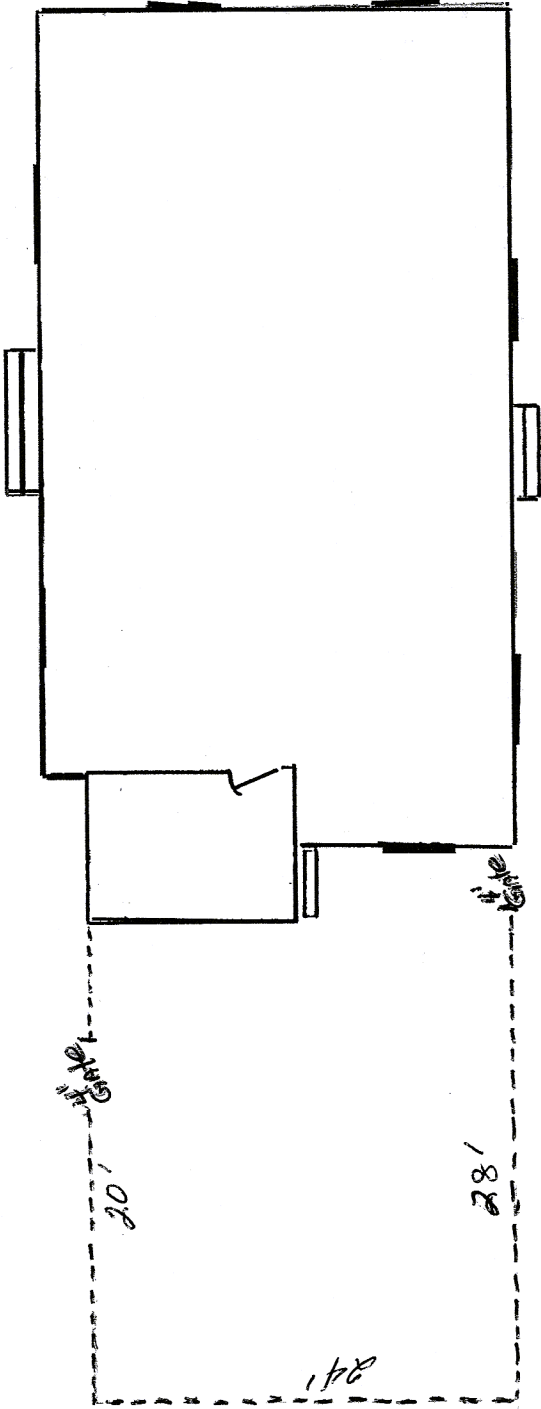
C&P
Hut

C&P Road Easement

280'

Scale 1"=35'

242'



PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2005:

Present

Vote

Alfred E. Ptasznik, Jr., Chair
Nicholas F. Barba, Vice Chair
Christopher A. Abel
Alexander T. Hamilton
John W. Staton
Anne C. H. Conner
John R. Davis

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL
USE PERMIT TO AUTHORIZE A PRIVATE KENNEL AT 114
HARROD LANE (ROUTE 678)

WHEREAS, Wanda W. Walls has submitted Application No. UP-689-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of ____, 2005, that it does hereby transmit Application No. UP-689-05 to the York County Board of Supervisors with a recommendation of approval to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane

(Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325) subject to the following conditions:

1. This use permit shall authorize the establishment of a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325).
2. The private kennel shall be limited to a maximum of fifteen (15) dogs that are six (6) months or older in age and weigh less than fifty (50) pounds. No commercial kennel operation, such as overnight boarding, training, or renting shall take place on the property.
3. The fifteen (15) dogs shall be licensed according to York County requirements and confined to the property.
4. Outside activity for the dogs shall be limited to the designated run area specified in the applicants letter "October 16, 2005, Re: Request for Special Use Permit, Planning Division of York County" and on the sketch plan titled "Sketch Plan for Q09d-3368-1325" prepared by the applicant and submitted to the York County Planning Division on October 17, 2005. The designated run area will be cleaned daily to remove animal waste. The designated run shall be treated to control pests a minimum of twice a year.
5. The dogs shall be restricted to outside activity Monday through Sunday only during the hours of 7:00 AM to 9:00 AM, 2:00 PM to 5:00 PM, and 6:00 PM to 8:00 PM.
6. The property owner shall admit, or cause to be admitted, to the property at any reasonable time, with or without prior notice, Zoning and Code Enforcement staff or any designee of the County Administrator for the purpose of monitoring compliance with the conditions of this permit.
7. The private kennel Special Use Permit shall expire upon the occurrence of either of the following:
 - a. Transfer of ownership of the land by any means to anyone other than the applicant.
 - b. Termination of residence by the applicant at 114 Harrod Lane, Yorktown, Virginia.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.